

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR. and  
ROSLYN WOODARD SMITH,  
Individually and as Administrators of  
The ESTATE OF HARRY SMITH, III,

Plaintiffs,

v.

CIVIL ACTION NO. 04-1254-GMS

CITY OF WILMINGTON,

JOHN CIRITELLA, in his individual capacity  
and in his official capacity as a police officer of  
the Wilmington Police Department,

THOMAS DEMPSEY, in his individual capacity  
and in his official capacity as a police officer of  
the Wilmington Police Department, and

MATTHEW KURTEN, in his individual capacity  
and in his official capacity as a police officer of  
the Wilmington Police Department,

Defendants.

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**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' SUPPLEMENTAL  
MOTION FOR SUMMARY JUDGMENT**

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MATERIALS FILED UNDER SEAL  
BEING SENT TO COURT UNDER SEPARATE COVER

**Page(s)**

**Exhibit**

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William Browne Report Excerpts [Filed Under Seal]

Videotape / Defendants' Interviews [Filed Under Seal]